

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document # _____

Gadner

USCA NO. _____

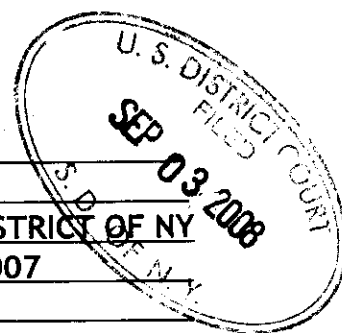
-v-

Tucker et al

SDNY NO. 08cv6781
JUDGE: KMW
DATE: 9 / 3 / 2008

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Nezam D.
FIRM APPEALS SECTION
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500 PEARL STREET, NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 3rd Day of September, 2008.

**United States District Court for
the Southern District of New York**

Gardner

-V-

Tucker et al

Date: 9/3/2008

U.S.C.A. # _____

U.S.D.C. # 08cv6721
~~07cv8463~~

D.C. JUDGE VM *kmw*

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 3rd Day of September In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233rd year.

J. Michael McMahon, Clerk

By



Deputy Clerk

APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-06781-KMW
Internal Use Only

Gardner v. Tucker et al
Assigned to: Judge Kimba M. Wood
Demand: \$9,999,000
Cause: 42:1983 Civil Rights Act

Date Filed: 07/30/2008
Date Terminated: 07/30/2008
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison Condition
Jurisdiction: Federal Question

Date Filed	#	Docket Text
07/30/2008	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Phillip Jerome Gardner.(rdz) (Entered: 08/06/2008)
07/30/2008	<u>2</u>	COMPLAINT against Tucker, Pitcher, Bruce. Document filed by Phillip Jerome Gardner.(rdz) (Entered: 08/06/2008)
07/30/2008		Magistrate Judge Debra Freeman is so designated. (rdz) (Entered: 08/06/2008)
07/30/2008	<u>3</u>	ORDER OF DISMISSAL. The Clerk of Court is directed to assign a docket number to this matter solely for the purpose of this order. For the reasons set forth below, the complaint is dismissed. Given that plaintiff has failed to submit the completed Authorization Form to this case as instructed, the action is dismissed without prejudice. The Court Certifies to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. SO ORDERED. (Signed by Judge Kimba M. Wood on 7/30/2008) (mbe) (Entered: 08/08/2008)
07/30/2008	<u>4</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/30/2008) (mbe) (Entered: 08/08/2008)
08/20/2008	<u>5</u>	NOTICE OF APPEAL from 3 Order Dismissing Complaint (I.F.P.), 4 Judgment - Sua Sponte (Complaint). Document filed by Phillip Jerome Gardner. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 09/03/2008)
08/20/2008		Appeal Remark as to 5 Notice of Appeal filed by Phillip Jerome Gardner. \$455.00 APPEAL FEE DUE. IFP REVOKED 7/30/08.(tp) (Entered: 09/03/2008)
09/03/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 09/03/2008)
09/03/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 09/03/2008)